



City of Ann Arbor

Formal Minutes

Planning Commission, City

301 E. Huron St.
Ann Arbor, MI 48104
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Tuesday, June 21, 2016

7:00 PM

Larcom City Hall, 301 E Huron St, Second
floor, City Council Chambers

- 9-b 16-0920** South Pond Village Site Condominium Site Plan for City Council Approval -
A proposal to develop 73 single-family site condominium lots on this 36.2
acre parcel located at 3850 E. Huron River Drive, zoned R1B
(Single-Family Dwelling District). The site will contain public streets and be
accessed from Chalmers with a new public street connection to Algebe
Way. A one-acre public park will be dedicated in the center of the site. The
northern 12.3 acres of the site will be divided off from the total parcel size of
48.5 acres. Ward 2. Staff Recommendation: Approval
Cheng presented the staff report.

The Chair read the public hearing notice as published.

PUBLIC HEARING:

Robert Lindsey, 1305 Chalmers Drive, Ann Arbor, stated that this exact plan was rejected by a vote by this Commission for strong reasons and those reasons have not changed, nor should their decision tonight. He said there does seem to be some magical thinking in the proponents of this plan, that being if we pave some portion of Chalmers Drive, somehow this will alleviate the problem of traffic congestion, the thought being that concrete repels cars. He stated that his experience would suggest the opposite: paving a portion of Chalmers might attract more traffic, as now drivers could think there is a cut-through road. Lindsey said there is one viable alternative once this plan is hopefully rejected, this plan has been presented to the Commission and Council a few times but not gained any traction; the plan to extend Pittsfield Boulevard to these developments. He said this would allow access to Washtenaw Avenue from all developments to proceed east or west at a controlled intersection. He stated that if the developer is concerned about the safety and convenience of his potential customers, and if Woodcreek realizes although traffic from southbound village will continue to go through part of their development, they will get improved access to Washtenaw Avenue, as will Chalmers Drive residents. Lindsey said if the Commission is willing to invest in planning, and Council is willing to think outside of the box, we can solve this problem without magic; if not, then this landlocked

parcel should remain undeveloped permanently.

Linda Plona, 1560 Woodcreek Boulevard, Ann Arbor, board member of the Woodcreek Homeowners Association, said there are many aspects of the South Pond Village project that are upsetting to many people, especially traffic. She stated that if there were an emergency on Chalmers, Washtenaw, or in the subdivision itself, it could endanger residents' departure or entrance onto Woodcreek Boulevard. She cited examples such as a household fire, major weather storm damage, toxic leak, or a major accident on US-23. Plona said when US-23 was closed recently, all traffic was rerouted to Geddes from Washtenaw Avenue; this caused a major traffic jam. She questioned how the residents of the proposed subdivision could safely exit in the case of an emergency with just one exit. She said the residents at Woodcreek do not have an issue with a subdivision being added in this location; the issue is the entrance and exit to the subdivision. She expressed support for the extension of Pittsfield Boulevard, as mentioned by the previous public speaker.

Nina Homel, 3473 Wooddale Court, Ann Arbor, said Chalmers is a poorly maintained, winding dirt road that is just two lanes. She explained that it has no street lights and blind curves. She said that if this project is constructed, Chalmers will further deteriorate due to additional traffic. Homel said around June 2, 2015, a section of Chalmers washed out, exposing a gas line. She explained that the County repaired the wash out the first time by piling gravel over the road and onto a steep bank down to Malletts Creek but the road washed out again within just two weeks. Homel said it is not uncommon for drivers to slip into the ditch due to poor road conditions and limited sight distance; there was a driving fatality at the intersection of Chalmers and Huron River Drive in August of 2014. She added that it is very difficult to get from Chalmers to Washtenaw in either direction.

Lilia Cortina, 1839 Meadowside Drive, Ann Arbor, stated that she shares many of the concerns already voiced to the Commission. She said that routing traffic from the proposed development through just one entry and exit point at Chalmers and Woodcreek creates a major threat to the safety of both South Pond Village and Woodcreek residents. She said she shudders to think of an emergency scenario where residents of both developments are trying to evacuate using the access point. Cortina added that the extension to Clark Road for the development would lower the property values of the Woodcreek homes that would be sandwiched in between the two major roads, as well as threaten the safety of those living there. She said the development would also exacerbate the traffic

nightmare that is Washtenaw Avenue. She asked the City to think of ways to reduce traffic in that part of town, not exacerbate it by approving this new development. Cortina concluded by citing economic and social justice issues; the cost of paving Chalmers would fall to South Pond and current Woodcreek residents. She said many residents that live on Chalmers are retirees or people with modest means and cannot afford to pay for paving and don't want to deal with the traffic it would induce. She urged the Commission to deny the site plan again as it had in 2015.

Richard Mazzari, 1615 Meadowside Drive, Ann Arbor, board member of the Woodcreek Homeowners Association, echoed the concerns about the safety of Chalmers and the impact of paving the road on South Pond. He said people talk about paving and putting more cars on Chalmers, but they forget that every couple of weeks the City dumps tons of dirt to get rid of the ruts and then it goes back to South Pond—it's a vicious cycle. He explained that the roads in his subdivision were designed for 75 homes but there are 87 homes in his subdivision. He said that the 76 additional homes that the developer has planned will bring in another 150 cars onto the roads of their subdivision, which is a safety concern. Mazzari added that there will be no way to repay the residents of Woodcreek for the damage done to the roads by the trucks coming in to build the new subdivision. He said Woodcreek was poorly designed as there is only one exit; he urged the Commission not to approve a development that would exacerbate the problem.

Dana Popa, 2085 Chalmers Drive, Ann Arbor, expressed her opposition to the site plan and urged the Commission to deny it again. She said it is unfair for her to pay for a road that she is fine using as is so that a developer can maximize their profits at the expense of residents. She added that an increase to traffic would not be a good idea; there is already a wait of two to five minutes to get onto Washtenaw during peak periods. She stated that traffic analyses are often done during the summer, which are inaccurate because they miss the traffic of parents taking their kids to and from school. Popa added that she bought the home to be "off the beaten path," but paying for the pavement of the road would put her in the middle of the beaten path.

Jim Murray, 1879 Meadowside Drive, Ann Arbor, said he lives in a place within the subdivision where every car entering passes them by. He said he is home a lot during the day and thinks the traffic impact analysis underreported the amount of traffic. He stated that if you add 75 homes it will be dangerous for the children that frequently play in the street. Murray said they had a snow event where a car got stuck and blocked the

entrance to the subdivision, causing a pileup of 15 to 20 cars; such an occurrence would be worse if South Pond were constructed.

Ethel Potts, 1014 Elder Boulevard, Ann Arbor, said here we are again, considering the South Pond development that was denied previously, nothing has changed. She stated that access to Washtenaw is not improved; trying to turn left onto Washtenaw from Chalmers, it is impossible during peak periods. She said the problem cannot be corrected by using Huron River and Hogback as alternatives; they are not built for the added traffic. She stated that if Chalmers is to be rebuilt, section P-9 of the development agreement is confusing; it doesn't say who will be specially assessed to pay for it. Potts explained that there are major natural features that many are concerned about with regards to this development, wetlands and steep slopes, they will be somewhat saved, though major streets and buildings will be built right at the top edge of the steep slope. She noted that the maps available to the public do not show contour lines, and therefore she cannot tell exactly where the steep slope is. Potts said the retention pond to be constructed along Huron River Drive is only shown on the maps as it is completed, it does not show the much larger area of disturbance from bulldozers, freighters, and trucks. She said this project again cannot be approved, all of the problems remain.

Marsha Brashears, 2093 Chalmers Drive, Ann Arbor, said she recently retired so she can try to time when she leaves the development, but it is a nightmare going in either direction. She expressed the hope that the Commission turns down the project again.

Jean Tan, 1595 Meadowside Drive, Ann Arbor, explained that the Woodcreek subdivision has 87 single family dwelling homes and South Pond has a proposed 73 homes; having just one entrance and exit from these two subdivisions is infeasible. She said that if Woodcreek were constructed today, two entrances and exits would be mandatory. She stated that the proposal is blatantly unsafe and was overwhelmingly rejected by the Commission over a year ago. Tan listed the legitimate reasons for said denial: Chalmers is a poorly maintained dirt road and cannot handle the existing volume of traffic, not to mention additional volume from the proposed subdivision; Woodcreek has an excess of 100 children but no park or playground so they tend to play in and near the streets and adding traffic would be unsafe. She said those in Woodcreek strongly oppose the proposal to use Algebe Way as a connector street to the new subdivision. Tan stated that originally the developer said Algebe Way would not be used as a through street. She explained that there are

two alternatives for access to the proposed subdivision that do not affect Chalmers and the subdivision; one has access and egress off of Huron River Drive, which has not been brought before City Council. The other option would be for the city to use the 50 foot wide public right of way along the west edge of Arborland Mall, which would exit directly onto Pittsfield Boulevard with traffic lights already in place; this option would be the most direct and would have no impact on Chalmers, Huron River Drive, or the Woodcreek subdivision. She asked the Commission why this second option is not even being considered.

Noreen Aziz, 1829 Meadowside Drive, Ann Arbor, said she first wanted to commend the Commission for wanting to put more solar power into our neighborhoods and make a greener space. She stated that she understands that the City is trying to develop this land to get more tax revenue; however, there is no viable access point to the subdivision, there is Washtenaw on one side and Chalmers on the other going down to Huron River. She explained that if you take Washtenaw and try to turn into the neighborhood, you have a timed and an untimed traffic issue; the timed issue is the light at Pittsfield that is supposed to stop the traffic on Washtenaw coming toward the stadium, and then traffic turning from Pittsfield onto Washtenaw. The untimed issue is the traffic from Paesano, as well as the other shops. She stated that it is very difficult to enter and exit the neighborhood at this intersection. Aziz added that car accidents on Washtenaw can result in a complete standstill. She said they should not approve this development unless a traffic light is installed at the intersection of Chalmers and Washtenaw.

Larry Argetsinger, 3520 East Huron River Drive, Ann Arbor, stated that as he understands, the water drains toward the wetlands and South Pond, which is a major issue. He asked for clarification from the developers on the statement printed on Schematic 13, which reads: "0.2% annual rain of floodplain boundary is indicated, the 1% chance of floodplain boundary is contained by the banks of Malletts Creek." Argetsinger said that the last time this plan was presented at the Planning Commission in February; the floodplains are shown to extend from Malletts Creek to the wetlands. He said knowing the location of the floodplain is important information for the public.

Nancy Kaplan, 3065 Hunting Valley Road, Ann Arbor, said she is speaking today on behalf of James D'Amour, Vice Chair of the Executive Committee of the Sierra Club, Huron Valley Group, Michigan Chapter. She read the letter submitted by James D'Amour, on file in the Commission Packet.

Raman Ranganathan, 1635 Meadowside Drive, Ann Arbor, said he believes he has been before the Planning Commission six times or more, and is here to reiterate his previous concerns. He stated that a prior proposal was rejected and as no changes have been made, the Commission should reject the project again. He explained that he has lived in the neighborhood for 16 years and no compromise has been reached about this parcel of land; he suggested that the City build a park. Ranganathan noted that the project was rejected last time due to traffic concerns and Washtenaw is even busier and has more businesses now. He said the drive is not safe for children, or new teenage drivers. He urged the Commission not to approve the project.

Chauncey Williams, 3453 Wooddale, Ann Arbor, echoed the concerns of his neighbors. He stated that he has followed this development for several years. He explained that he walks to work via Chalmers and it is an unsafe road. He said he has sons and is concerned about them driving on the road. Williams said the project should be denied and plans to improve the road should be considered.

Carole Bennett, 1575 Chalmers Drive, Ann Arbor, thanked the Commission for their service. She stated that she was heartened by previous votes to deny the project. She said she is concerned about traffic impacts on Chalmers; drivers have hit her trash cans several times and gone into ditches coming around the blind corners. She stated that she has children and her neighbors have children. Bennett said it would be worrying to add more traffic to the intersection. She explained that special events make traffic even worse. She expressed concern that paving the road will entice people further to use it as a cut-through and that would create additional traffic and safety concerns. She added that Huron River Drive is not in the best condition either. She said the infrastructure on the street is not strong. Bennett said she is worried about the tax that would be levied on residents for the paving of this road if the project is approved.

Michael Homel, 3473 Wooddale Court, Ann Arbor, said this project would result in inconvenience and congestion, as well as danger to health and safety. He said it is absurd for Chalmers residents to pay for a road that they do not want; it is unjust. He stated that this Commission voted 6-2 for denial and the project has not changed. He noted that Planning Staff has never placed a high priority on this neighborhood; in 2002 staff recommended approval of 350 townhouse units for this site, thankfully Commission and Council rejected the proposal. Homel said that staff

says the current proposal complies with code, but it does not; the width of Algebe is too narrow to be a connector and the traffic impacts would be a public nuisance to health and safety. He stated that there is word out there that legal counsel says this plan must be approved or someone will sue; you don't have to approve this plan because it does not meet code.

Chris Finney, 1645 Chalmers Drive, Ann Arbor, asked how the developers intend to "redefine luxury" if the development sits behind a shopping center next to a freeway and who will pay for the noise abatement wall that will be the next step in the process to achieving said luxury.

Michael Avsharian, 1970 Chalmers Drive, Ann Arbor, stated that he has lived at this address for forty years and may be the person who has lived in the neighborhood the longest. He said he drives to work every day and goes onto Washtenaw and most of the time it is very busy; since the last denial of this project the street has gotten even busier due to additional commercial development. He explained the incredible traffic of maneuvering onto Washtenaw from Chalmers. Avsharian said paving Chalmers will induce faster drivers. He asked the Commission to deny the project again.

Tom Covert, Midwestern Consulting, member of the development team, asked that the files and record of the previous meetings that they have had for this site plan be included on the record for the public hearing tonight. He said staff has given their report in support of the project and he and other members of the team are happy to participate in dialogue and answer any questions the Commission has.

Amir Mortazawi, 1710 Woodcreek Boulevard, Ann Arbor, said he is a regular visitor to City Hall since 2002. He stated that he won't repeat the previous comments already made, but asked the Commission to put themselves in the place of the residents that have spoken. He asked the Commission to reject the plan again.

Lora Scholwitz, 1710 Woodcreek Boulevard, Ann Arbor, stated that she has been here several times. She explained that driving onto Washtenaw from Chalmers or vice versa is like driving in the Middle East; it is very busy and dangerous. She said one can end up waiting for several minutes. She asked the Commission to deny the proposal again.

Lisa Cronin, 4021 Thornoaks Drive, Ann Arbor, said Huron River Drive is a beautiful road, but it is an accident waiting to happen, due to traffic. She

stated that there is limited sight distance and it is dangerous. She said if nothing is going to be done to support Huron River Drive, the project should not be approved.

Blair Gerdes, 3480 Wooddale Court, Ann Arbor, stated that she has lived in Woodcreek subdivision since 1998. She said she has long advocated for appropriate development for the parcel in question and said she appreciates the Commission's respectful consideration of what that development might be. She reminded the Commission that City Council already rejected this site plan. Gerdes cited section 5.1226 of the City's code, which states that a site plan should be approved if it is not a public or private nuisance, or have a detrimental effect on the public health, safety, and general welfare of the citizens. She said this has not been demonstrated so the site plan should not be approved. She added that the street that will serve as a connector is not legally wide enough to service the new development and also that it would be grossly negligent for the Commission to approve a plan that has one access point to the subdivision.

Noting no further public speakers, the Chair closed the public hearing unless the item is postponed.

A motion was made by Franciscus, seconded by Milshteyn, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the South Pond Village Site Plan and Development Agreement.

COMMISSION DISCUSSION:

Briere asked staff to reiterate their and MDOT's concerns about using the Pittsfield Boulevard extension and whether they could be addressed by closing off Chalmers to through traffic.

Carlisle responded that this plan and subsequent plans and related traffic impact studies have been reviewed by the City's traffic staff multiple times. He said he would read their feedback directly: "The one egress point on Chalmers and the existing Woodcreek Drive will remain as a boulevard access point, thus providing a second access point if one side of the island becomes blocked. Though this approach is not the staff preferred approach, it has been utilized as a provision for emergency access in other developments, including Woodcreek. There is one other additional access point that is physically viable. The 50 foot wide city-owned right-of-way along the western edge of the Arborland site as originally envisioned could provide one-way southbound traffic to the

existing traffic signal at Washtenaw, though it would require significant redesign of Arborland driveways and the Pittsfield-Washtenaw intersection. The petitioner explored this option at the request of the Planning Commission and the resulting traffic impact study found there was no measurable improvement to the Chalmers-Washtenaw intersection as a result. The consultant also indicated that the connection may negatively affect other intersections along Washtenaw Avenue. As a result, staff worked with the developer to find viable non-motorized connections to local commercial attractions and transit stops. The City's Engineering Department agreed with the findings of the applicant's traffic engineer.

Clein said there is plenty we could discuss but wonders if the Commission is ready to vote.

On a voice vote, the vote was as follows with the Chair declaring the motion failed. Vote: 1-6

Yeas: 1 - Kenneth Clein

Nays: 6 - Wendy Woods, Sabra Briere, Sofia Franciscus, Sarah Mills, Bonnie Bona, and Alex Milshteyn

Absent: 2 - Jeremy Peters, and Shannan Gibb-Randall